

² 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On June 17, 2021 appellant, then a 30-year-old border patrol agent, filed a traumatic injury claim (Form CA-1) alleging that on June 14, 2021 he sustained bruising and swelling to his right eye, scrapes and swelling to his left knee and right elbow, and experienced pain in his right thumb when an aggressive man punched him while in the performance of duty. On the reverse side of the claim form, appellant's supervisor, S.S., acknowledged that appellant was injured in the performance of duty. Appellant did not stop work.

In a development letter dated June 22, 2021, OWCP notified appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence required and provided a questionnaire for his completion. OWCP afforded appellant 30 days to submit the necessary evidence.

On June 14, 2021 the employing establishment executed an authorization for examination and/or treatment (Form CA-16). J.B., the authorizing official, listed the date of injury as June 14, 2021 and described appellant's injury as an impact injury to the face and scrapes to the right elbow and left knee.

An emergency department note of even date signed by Jessica Fain, a physician assistant, related that appellant was punched in the right eye by an intoxicated individual resisting arrest. Appellant reported right eye pain and contusion as well as an abrasion to his left knee. Ms. Fain noted the existence of a bruise underneath his right eye, but found no tenderness with palpitation of the zygomatic and no pain with extraocular movement. She diagnosed a right eye contusion. In a discharge record of even date, Ms. Fain noted appellant's right eye pain. Her examination revealed no sign of damage to appellant's eye.

By decision dated July 28, 2021, OWCP accepted that the June 14, 2021 employment incident occurred, as alleged, but denied the claim as appellant had not established a diagnosed medical condition causally related to the accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning FECA, that the claim was timely filed within the applicable time limitation period of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related

³ *Id.*

⁴ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

to the employment injury.⁵ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component to be established is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.⁷

The evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment factors identified by the employee.⁹

ANALYSIS

The Board finds that appellant has met his burden of proof to establish a right eye contusion causally related to the accepted June 14, 2021 employment incident.

The Board notes that, pursuant to the Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6(a) (June 2011), if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report and no development of the case need be undertaken, if the injury was witnessed or reported promptly, and no dispute exists as to the occurrence of an injury, and no time was lost from work due to disability.¹⁰

In a June 14, 2021 emergency department report, Ms. Fain diagnosed a right eye contusion. As the evidence of record establishes that appellant's employment incident resulted in a visible injury, the Board finds that appellant has met his burden of proof to establish a right eye contusion

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹⁰ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6(a) (June 2011); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3(c) (January 2013). See also *A.J.*, Docket No. 20-0484 (issued September 2, 2020); *S.K.*, Docket No. 18-1411 (issued July 22, 2020).

causally related to the accepted June 14, 2021 employment incident. Upon return of the case record, OWCP shall make payment and/or reimbursement of medical expenses with regard to the accepted contusion to the right eye.

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a right eye contusion causally related to the accepted June 14, 2021 employment injury.¹¹

ORDER

IT IS HEREBY ORDERED THAT the July 28, 2021 decision of the Office of Workers' Compensation Programs is reversed.

Issued: January 21, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

¹¹ A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).